

that Applicant has provided a definition of an airline ticket on page 1, second paragraph of the specification as a device which specifies an airline and inventory. The Examiner further indicates that the “conventional definition of an airline ticket is a contract between a passenger and an airline to provide a specified flight service. Without the specification of an airline, departure time or flight number, the claimed device would not function as an airline ticket, regardless of which definition is considered.”

Applicants respectfully disagree with the assessment that the disclosed invention, as defined by claims 236 and 237, is somehow inoperative. As an initial matter, the disclosure upon which the Examiner relies (for purportedly supporting Applicant’s definition of an airline ticket) is in the “Background” section of the application which specifically discloses the following: “Presently, tickets offered for sale by airlines specify information including an itinerary (e.g., origin/destination locations and dates for travel) together with a flight number and a flight time.” (Page 1, paragraph 2 of the Background of the originally-filed application). In so doing, Applicants were clearly not referring to the airline tickets claimed in the present invention. Rather, much like the definition supplied by the Examiner, Applicants were simply referring to a type of conventional airline ticket.

The present invention is directed to, among other things, a new type of airline ticket (as well as various systems and methods for providing such a ticket). Claims 236 and 237 are specifically directed to the airline ticket itself. This type of airline ticket and the various mechanisms used to provide such a ticket are described throughout the original application. For example, the abstract of the originally-filed application discusses an “unspecified-time airline ticket”. In addition, the second full paragraph of page 10 of the originally-filed specification discusses a ticket which does not specify flight number, flight time or airline. In all, Applicants have provided a detailed and lengthy specification of how such a ticket is generated and issued to a customer.

With regard to the Examiner’s concern that “With no parties being legally bound to the device, the device is not operable as a binding commitment”, Applicants respectfully submit that there

need not be a direct communication between a customer and an airline for a commitment to exist. For example, there are a number of on-line travel services available today in which a customer can purchase a (conventional) ticket on a particular airline without ever directly communicating with the airline. Yet, in such an instance, there is a commitment for carriage by, or on behalf of, the airline.

Accordingly, Applicants respectfully submit that the instant application provides a sufficiently detailed (and enabling) description of how the invention defined by claims 236 and 237 would operate. In the event that the Examiner has any further concerns in this regard, the Examiner is invited to contact Applicants' undersigned representative at the number provided.

REJECTIONS UNDER 35 USC 102(e)

Each of the pending claims have been rejected under 35 USC 102(e) in view of US Patent Number 5,732,398 to Tagawa. In this regard, the office action makes reference to the disclosure found in Fig. 8A of Tagawa as purportedly disclosing Applicants' claimed subject matter.

Applicants respectfully submit that the Tagawa reference fails to disclose the features claimed in the independent claims of the instant Application. In fact, Applicants respectfully submit that Tagawa clearly teaches away from Applicants' claimed invention.

For example, independent claim 144 sets-forth a system in which a processor is used to receive a booking for an airline ticket, wherein the booking does not specify an airline carrier, and subsequently provides notice to the traveler of the actual flight and airline carrier. Certain other independent claims are directed to systems, methods, and tickets in which the identity of the airline carrier is not revealed to the traveler until after the ticket is booked. Claims 236 and 237 are specifically directed to a ticket which does not specify carrier, departure time or flight number.

In stark contrast thereto, Tagawa discloses a system in which the traveler, prior to booking, knows quite well which airline carrier is involved with a flight offering. With reference to Figure 8A of Tagawa, a traveler can in fact make an airline carrier preference selection in step 452 (prior

to booking any ticket). In such an instance, “[T]he user is asked to select an airline carrier” (column 15, lines 30-31). In such an instance, “only flights on the preferred carrier will be searched”. (column 15, lines 51-52). Clearly, Tagawa fails to disclose or suggest the concealment of an airline carrier in Figure 8A.

Even if the traveler in Tagawa does not indicate an airline preference, “a carrier will be recommended based on a predetermined priority system”. (Column 15, lines 55-56). There is very clearly no disclosure of any attempt to conceal the identity of the airline carrier in Tagawa. Accordingly, Applicants respectfully submit that the Tagawa fails to disclose or suggest at least this feature, as described in various pending claims of the instant application.

In fact, Applicants respectfully submit that Tagawa clearly discloses, and in fact emphasizes, the need to be sure that the traveler is well aware of (and even given the option of selecting) the airline carrier prior to booking any ticket. Quite clearly, Tagawa teaches away from Applicants’ claimed invention.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.